



IPD

Docket No. PRD2052USNP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : M. J. Renzi et al. Confirmation No.: 9072

Serial No. : 10/810,755 Art Unit: 1646

Filed : March 26, 2004 Examiner:

For : Use of Erythropoietin in Stroke Recovery

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

November 22, 2005

(Date of Deposit)

Myra H. McCormack

(Name of applicant, assignee, or Registered Representative)

/Myra H. McCormack/

(Signature)

November 22, 2005

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with the first or second After Final Submission, therefore:

- Statement in Accordance with §1.97(e)
(attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- Statement in Accordance with §1.97(e)
(attached); or

Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows: CA2352553A1 is an English language equivalent of WO00/35475. See International Search Report for relevance.

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/PRD2052/MHM. This form is submitted in triplicate.

Respectfully submitted,

/Myra H. McCormack/
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PTO/SB/08A (08-00)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1 of 3

Confirmation Number	9072
Application Number	10/810,755
Filing Date	03/26/2004
First Named Inventor	Michael J. Renzi
Group Art Unit	1646
Examiner Name	
Attorney Docket Number	PRD2052USNP

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Exam Initials •	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Brines et al., "Erythropoietin Crosses The Blood-Brain Barrier To Protect Against Experimental Brain Injury", P.N.A.S. U S A (2000) 97:10526-10531	
		Campana WM, et al., Identification of a neurotrophic sequence in erythropoietin. Int J Mol Med. 1998;1:235-241	
		Celik M, et. al., Erythropoietin prevents motor neuron apoptosis and neurologic disability in experimental spinal cord ischemic injury. Proc Natl Acad Sci U S A. 2002;99:2258-2263	
		Cerami A, et. al., Effects of epoetin alfa on the central nervous system. Semin Oncol. 2001;28:66-70.	

Examiner Signature	Date Considered	
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***EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.**

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if

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		Ehrenreich H, et. al., Erythropoietin therapy for acute stroke is both safe and beneficial. Mol Med. 2002;8:495-505.	
		Gorio A, et. al., Recombinant human erythropoietin counteracts secondary injury and markedly enhances neurological recovery from experimental spinal cord trauma. Proc Natl Acad Sci U S A. 2002;99:9450-9455.	
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		Nagai A, et al., Erythropoietin and erythropoietin receptors in human CNS neurons, astrocytes, microglia, and oligodendrocytes grown in culture. J Neuropathol Exp Neurol. 2001;60:386-392	
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		Juul, Sandra, Erythropoietin and Erythropoietin Receptor in the Developing Human Central Nervous System, Pediatric Research, 1998, Vol. 43 No 1	
		Koshimura, K. et al, Effects of Erythropoietin on Neuronal Activity, Journal of Neurochemistry, 1999	

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SUBMISSION UNDER MPEP 609 D

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